

United States et al. v. Toledo Refining Company LLC
(N.D. Ohio)

APPENDIX B

**PHYTO-POLLUTION REDUCTION SUPPLEMENTAL ENVIRONMENTAL
PROJECT**

Appendix B: Phyto-Pollution Reduction Supplemental Environmental Project

TRC shall spend at least \$150,000 to implement the Phyto-Pollution Reduction Supplemental Environmental Project.

Purpose:

The purpose of the Phyto-Pollution Reduction SEP is to improve air quality and achieve other environmental benefits through the planting of trees in areas in the City of Oregon, Ohio. All of the trees to be planted with the funding provided by TRC through this SEP will be planted within a 3-mile radius of TRC's Toledo Refinery. All locations where trees will be planted are depicted in the Legends for Tree Locations at the end of this Appendix. The environmental benefits are expected to include, among others, the reduction of ozone, nitrogen dioxide, sulfur dioxide, and particulates, as well as the generation of oxygen, resulting in improved air quality; and the reduction of carbon dioxide, a greenhouse gas. Trees planted near high-traffic roadways also act as vegetative buffers which reduce the transport of particulate emissions from roadway traffic. Roadside vegetation has been shown to reduce a population's exposure to air pollution through the interception of airborne particles and through the uptake of gaseous air pollution via leaf stomata, in addition to affecting pollutant transport and dispersion.

The Phyto-Pollution Reduction SEP is expected to supplement the number of trees which would otherwise be planted in the communities near the Toledo Refinery by the City of Oregon, Ohio using other funds. Thus, the City of Oregon, Ohio will not reduce the amount of its own funds expended for tree planting in the SEP-designated areas as a result of these funds.

Scope:

TRC will enter into an agreement with the City of Oregon (the "City") which will provide for the City to plant approximately 200 trees in designated areas in Oregon as defined below. The trees will be at least 2" caliper and at least 5 feet in height at the time of planting, unless the City approves a smaller size. The agreement between TRC and the City will also provide that trees planted under the Phyto-Pollution Reduction SEP are covered by a warranty of at least two years and are inspected pursuant to the City's contracted tree planting specifications during the two-year period.

The trees will be one of the species on the Table of Acceptable Tree Species (presented below), all of which have been preapproved by the City. TRC may submit a request for EPA's review and approval that proposes other tree species that may be used to fulfill the requirements of this SEP in addition to those listed in the Table of Acceptable Tree Species. Any additional tree species proposed must meet the same specifications listed in this SEP, and TRC must submit data quantifying potential VOC emissions from the proposed species. EPA's decision to approve or deny TRC's request will not be subject to judicial review.

In implementing the Phyto-Pollution Reduction SEP, TRC will spend approximately \$150,000 in SEP Eligible Costs. SEP Eligible Costs shall only include the costs of acquiring the trees, planting trees, and work directly related to such planting (such as sidewalk preparation, soil

preparation, staking, etc.). SEP Eligible Costs shall not include any administrative costs incurred by the City or others in connection with the SEP or otherwise.

Project Schedule:

The Phyto-Pollution Reduction SEP is expected to be implemented in up to three (3) phases:

- Phase 1: Approximately 50 trees shall be planted during or before the spring of 2019.
- Phase 2: Approximately 50 trees shall be planted during or before the fall of 2019.
- Phase 3: Approximately 100 trees shall be planted during or before the spring of 2020.

The phasing set forth above may be revised by mutual, written agreement of TRC and EPA to account for the availability of trees and other factors, as long as the entire amount of approximately 200 trees is planted by June 30, 2021. The timing of any of the phases may also be revised by mutual, written agreement to allow for the trees to be planted under the best weather conditions possible.

SEP Reports:

At least once per calendar year as part of a Semi-Annual Report required by Section VIII of the Consent Decree (Reporting Requirements), until this SEP is completed, TRC shall submit to EPA a report that identifies the locations of the trees planted, the species of trees planted, and an itemization of the SEP Eligible Costs incurred since the last report submitted by TRC. In addition, each report shall explain any problems encountered in performing the SEP and any proposed solutions.

As part of the first Semi-Annual Report due after the Phase 3 planting is completed, TRC shall include a completion report for the Phyto-Pollution Reduction SEP that provides the information required by Section V of the Consent Decree, including as part of the description of the SEP, the locations and species of all the trees planted. EPA may require information in addition to that described above to the extent reasonably necessary to determine the adequacy of project completion or the eligibility of SEP Eligible Costs expended and TRC shall provide such information.

Project Planting Details:

- A. The trees will be planted in six (6) primary areas around Oregon, Ohio, along the following thoroughfares lacking in tree cover, as depicted in the Legends for Tree Locations at the end of this Appendix:
 - 1. Wheeling Street
 - 2. Brown Road
 - 3. Dike Drive
 - 4. Pickle Road
 - 5. Navarre Avenue

6. Earlwood Avenue

The City has chosen these locations for tree plantings in an effort to maximize their environmental and public health benefits. All intended planting locations are subject to variation in the event that underground utilities or other obstacles are encountered in the field.

B. The current estimate is to plant 200 trees sized in the following manner within the areas listed immediately above:

1. Deciduous Trees will be a minimum of 2” Caliper sized. Quantities will be split evenly between 2”, 3” and 4” Caliper size for size diversity.
2. Coniferous Trees will be a minimum of 5’ in height. Quantities will be split evenly between 5’, 6’ and 7’ tall Coniferous trees.

C. Species of trees to be planted shall conform to the City’s usual list of trees selected for mass plantings during past efforts to green park and public areas or to provide perimeter buffers at new parks. The actual numbers of each species to be planted will be determined by the sites chosen and based on the varieties of trees already existing in the area or the varieties needed for environmental balance, as well as a balance between evergreen and deciduous species. For diversity, the City will require that not more than 35% of the trees planted will be of the same species.

Deciduous Trees and Shrubs

Scientific Name	Common Name
<i>Acer rubrum</i>	Red Maple
<i>Acer saccharinum</i>	Silver Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Alnus incana</i>	Speckled Alder
<i>Alnus serulata</i>	Smooth Alder
<i>Carya ovata</i>	Shagbark Hickory
<i>Cornus foemina</i>	Gray Dogwood
<i>Cornus stolonifera</i>	Red - Osier Dogwood
<i>Juglans nigra</i>	Black Walnut
<i>Platanus occidentalis</i>	American Sycamore
<i>Sambucus Canadensis</i>	Elderberry
<i>Ulmus Americana</i>	American Elm

Conifers	
Scientific Name	Common Name
<i>Pinus nigra</i>	Austrian Pine
<i>Pinus strobus</i>	Eastern White Pine

<i>Juniperus virginiana</i> L.	Eastern Red Cedar
<i>Abies concolor</i>	White Fir
<i>Taxodium distichum</i> (L.) Rich.	Bald Cypress

Legends for Tree Locations:

